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JUN 16 2008

OFFICE OF PETITIONS

In re Application of :
Nimi, et al. : DECISION ON APPLICATION
Application No. 09/620,715 : FOR PATENT TERM ADJUSTMENT
Filed: February July 20, 2000 :
Atty. Dkt. No.: FUJO 17.577 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705," filed January 2, 2008. This matter is being properly treated under 37 CFR 1.705(b).

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby GRANTED.

The Determination of Patent Term Adjustment mailed October 2, 2007 indicated a PTA to date of 646 days. The instant application for PTA was timely filed. Applicants argue that the application is entitled to an adjustment of 661 days.

The correct PTA at the time of the allowance is 676 days.

Applicants do not contest the adjustment of three days under 37 CFR 1.702(a)(2) in connection with the mailing of the final rejection on April 1, 2005. Applicants do not contest the various reductions for applicants failure to engage in reasonable efforts to conclude prosecution which to date total 323 days.

Applicants contest that the adjustment under 37 CFR 1.702(a)(1) in connection with the mailing of the non-final Office action dated May 28, 2004 and indicate that the adjustment should be 981 days.

Applicants arguments have been carefully reviewed and found convincing. The application is entitled to an adjustment of 981 days in accordance with 37 CFR 1.702(a)(1). The adjustment commenced September 21, 2001, the day after the date that is 14 months after the date that the application was filed, and ended May 28, 2004, the date that the non-final Office action was mailed. See, 37 CFR 1.703(a)(1).

In view of the mail date of the non-final Office action on May 28, 2004, the reduction in connection with the response thereto has been properly recalculated. In accordance with 37 CFR 1.704(b), the reduction is 93 days and not 108 days as previously assessed. The reduction commenced August 29, 2004, the day after the date that is three months after the date that the non-final Office action was mailed, and ended November 29, 2004, the date that the response thereto was filed.

In view thereof, at the time of allowance, the application is entitled to an adjustment of 676 days (Office delays totaling 984 days less applicants delays totaling 308 days).

The required PTA application fee of \$200.00 has been charged to applicant's deposit account as authorized.

Applicants are further advised that the patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The application file is being forwarded to the Office of Patent Publications for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery Fries
Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Adjusted PAIR Calculation

Day : Wednesday

Date: 6/11/2008

Time: 11:20:33

PALM INTRANET**PTA Calculations for Application: 09/620715**

Application Filing Date:	07/20/2000	PTO Delay (PTO):	969
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	323
Post-Issue Petitions:	0	Total PTA (days):	676
PTO Delay Adjustment:	30		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
70	06/11/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	30		
63	10/02/2007	MAIL NOTICE OF ALLOWANCE			
62	09/29/2007	ISSUE REVISION COMPLETED			
61	09/29/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
60	09/29/2007	CASE DOCKETED TO EXAMINER IN GAU			
59	09/29/2007	DOCUMENT VERIFICATION			
58	09/28/2007	NOTICE OF ALLOWABILITY			
57	09/17/2007	DATE FORWARDED TO EXAMINER			
56	09/11/2007	RESPONSE AFTER NON-FINAL ACTION			
55	06/12/2007	MAIL NON-FINAL REJECTION			
54	06/08/2007	NON-FINAL REJECTION			
53	05/12/2007	DATE FORWARDED TO EXAMINER			
52	05/01/2007	AMENDMENT AFTER FINAL REJECTION			
51	02/22/2007	MAIL FINAL REJECTION (PTOL - 326)			
50	02/20/2007	FINAL REJECTION			
49	02/10/2007	DATE FORWARDED TO EXAMINER			
48	01/31/2007	RESPONSE AFTER NON-FINAL ACTION			
47	11/01/2006	MAIL NON-FINAL REJECTION			
46	10/30/2006	NON-FINAL REJECTION			
45	10/10/2006	DATE FORWARDED TO EXAMINER			
44	09/19/2006	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
43	10/10/2006	DATE FORWARDED TO EXAMINER			
42	09/19/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)		34	38
		DISPOSAL FOR A RCE/CPA/129 (EXPRESS)			

41	10/10/2006	ABANDONMENT IF CPA)			
40	09/19/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
39	09/19/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			
38	05/16/2006	MAIL FINAL REJECTION (PTOL - 326)			
37	05/12/2006	FINAL REJECTION			
36	05/03/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
35	05/03/2006	DATE FORWARDED TO EXAMINER			
34	04/24/2006	RESPONSE AFTER NON-FINAL ACTION	90	31	
33	04/24/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
32	03/21/2006	CASE DOCKETED TO EXAMINER IN GAU			
31	10/24/2005	MAIL NON-FINAL REJECTION			
30	10/21/2005	NON-FINAL REJECTION			
29	10/11/2005	DATE FORWARDED TO EXAMINER			
28	09/29/2005	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
27	07/20/2000	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
26	10/04/2005	DATE FORWARDED TO EXAMINER			
25	09/30/2005	REQUEST FOR CONTINUED EXAMINATION (RCE)	91	22	
24	10/04/2005	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
23	09/29/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
22	04/01/2005	MAIL FINAL REJECTION (PTOL - 326)	3	18	
21	03/30/2005	FINAL REJECTION			
20.7	07/20/2000	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
20	07/20/2000	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	03/17/2005	DATE FORWARDED TO EXAMINER			
18	11/29/2004	RESPONSE AFTER NON-FINAL ACTION	108	13	
17	11/29/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
16	11/29/2004	WORKFLOW INCOMING AMENDMENT IFW			
15	05/28/2004	MAIL NOTICE OF RESTARTED RESPONSE PERIOD			

14	05/28/2004	LETTER RESTARTING PERIOD FOR RESPONSE (I.E. LETTER RE: REFERENCES)			
13	05/13/2004	MAIL NON-FINAL REJECTION	966		-1
12	05/12/2004	NON-FINAL REJECTION			
11	10/21/2003	CASE DOCKETED TO EXAMINER IN GAU			
10	03/12/2002	CASE DOCKETED TO EXAMINER IN GAU			
9	10/06/2000	CASE DOCKETED TO EXAMINER IN GAU			
8	07/20/2000	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
7	09/28/2000	CASE DOCKETED TO EXAMINER IN GAU			
6	09/18/2000	APPLICATION DISPATCHED FROM OIPE			
5	09/14/2000	CORRESPONDENCE ADDRESS CHANGE			
4	09/11/2000	CORRESPONDENCE ADDRESS CHANGE			
3	09/11/2000	CORRESPONDENCE ADDRESS CHANGE			
2	08/15/2000	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	07/20/2000	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to [OASIS](#) | [Home page](#)